

RJN

Attachment “2”

April 13, 2022

Page 1

**CERTIFIED  
TRANSCRIPT**

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SACRAMENTO

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THE PEOPLE OF THE STATE OF )  
CALIFORNIA, )

Plaintiff, )

vs. )

ARNOLD ABRERA, )

Defendant. )

No. 21FE004857

Dept. 63

REPORTER'S TRANSCRIPT OF  
MOTION TO DISMISS

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WEDNESDAY, APRIL 13, 2022

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The above-entitled matter came on regularly at  
the date above set forth before the HON. JOSEPH SOLDANI,  
Visting Judge of the Superior Court of the State of  
California, County of Sacramento.

Reported by:

Olivia Rendon, CSR No. 14306

April 13, 2022

Page 2

APPEARANCES OF COUNSEL

For the Plaintiff:

ANNE MARIE SCHUBERT, District Attorney  
for the County of Sacramento

By: KRISTIN HAYES  
Deputy District Attorney

For the Defendant:

KARALASH & ASSOCIATES  
1207 Front Street, Sacramento, CA 95814

By: DANIEL KARALASH  
Attorney at Law

1 WEDNESDAY, APRIL 13, 2022

2 MORNING SESSION

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4 Proceedings in the matter of the People of the  
5 State of California, Plaintiff, versus ARNOLD ABRERA,  
6 Defendant, Case Number 21FE004857, came on regularly  
7 before Honorable JOSEPH SOLDANI, Visiting Judge of the  
8 Sacramento Superior Court, County of Sacramento, State  
9 of California, sitting in Department 63.

10 The People were represented by KRISTIN HAYES,  
11 Deputy District Attorney for the County of Sacramento,  
12 State of California.

13 The Defendant, ARNOLD ABRERA, was represented  
14 by DANIEL KARALASH, Attorney at Law.

15 The following proceedings were then had:

16 THE BAILIFF: Page 1, Abrera, not present, out  
17 of custody.

18 MS. HAYES: Is that with C or H?

19 THE BAILIFF: Abrera with an A.

20 THE COURT: Counsel, will make their  
21 appearances.

22 MR. KARALASH: Dan Karalash on behalf of  
23 Mr. Abrera appearing 977 and appearing remotely via  
24 Zoom.

25 MS. HAYES: Kristin Hayes for the People.

26 THE COURT: In this matter, the Court has  
27 motion to dismiss pursuant to 1385. I do not see  
28 response by People.

1 MS. HAYES: Your Honor, the People would  
2 request --

3 I didn't have the opportunity to respond or  
4 prepare a written response. However, if the Court would  
5 allow just an oral argument or I'll submit to the Court.

6 MR. KARALASH: Your Honor, if I may, I received  
7 an e-mail a week ago regarding this matter. But the  
8 government was prepared to dismiss this action. There  
9 was no indication that there had be any written  
10 response. None had been filed. This was properly filed  
11 and served on March 23rd, the file date.

12 MS. HAYES: Who --

13 THE COURT: And from whom did you get the  
14 e-mail?

15 MR. KARALASH: Give me a moment to pull that  
16 up.

17 THE COURT: Certainly.

18 MR. KARALASH: That would be from Aaron Miller.  
19 We are prepared to dismiss the case against Mr. Abrera.  
20 But there's no way we can agree to the return of the  
21 banned rifles. Our position is the return of the banned  
22 rifles is not before the Court at this time. The matter  
23 for the criminal proceedings should go forward.

24 I would also reference to the Court that there  
25 was a decision made in United States District Court for  
26 the Southern District of California 2021, which  
27 attempted to put a ban on this and served it about a  
28 month later, put a stay on that. And court decision of

1 Sacramento cases. The Court can go forward with  
2 response the DA a request for continuance at this time  
3 after having received response to their office that they  
4 were prepared.

5 MS. HAYES: Can -- I'm sorry. May I just  
6 request that that e-mail be forwarded to me? That was  
7 sent by my supervisor possibly while I was out of town.  
8 I don't believe I was CC'd on it. So as long as I can  
9 view that e-mail today, I'll abide by the -- what Mr --

10 MR. KARALASH: What's your e-mail?

11 MS. HAYES: Haze K, H-A-Y-E-S-K --

12 MR. KARALASH: I'm sorry. I missed that. Can  
13 you repeat --

14 MS. HAYES: H-A-Y-E-S-K at sacda.org.

15 MR. KARALASH: H-A-Y-E-S-K at sacda.org?

16 MS. HAYES: Yes.

17 THE WITNESS: Yes.

18 THE COURT: So, Counsel, why don't we trail the  
19 matter for a little bit and perhaps she can access that  
20 e-mail and that will make things a lot shorter?

21 MS. HAYES: Thank you.

22 MR. KARALASH: That's agreeable, Your Honor.

23 THE COURT: Thank you. All right.

24 (Pause in proceedings)

25 MS. HAYES: Yes. I just read it. I just  
26 received it.

27 I just read the e-mail, so whenever you want to  
28 call it, I'm prepared.

1 THE COURT: All right. Mr. Karalash, the  
2 e-mail has been read. Is there a motion by the People  
3 in this matter?

4 MS. HAYES: Yes. To dismiss in the interest of  
5 justice.

6 THE COURT: And, Counsel, I assume you don't  
7 object.

8 MR. KARALASH: That's our request, Your Honor.

9 THE COURT: The Court will grant the motion to  
10 dismiss in the interest of justice.

11 MS. HAYES: Thank you.

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